IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No: 22284 of 2004

Between:

B. Ramulu, S/o. Balaiah,
R/o. Quarter No. SD-391, J.K. Colony,

Yellandu 507 123, Khammam District.

..... PETITIONER

AND

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1 The Singareni Collieries Co. Ltd., Mandamarri Area,

Mandamarri Adilabad District. rep. by its General

Manager.
2 Dy. General Manager, The Singareni Collieries Co. Ltd.,
Mandamarri Area, Madamarri, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the respondents in recovering the penal rent of Rs.1,500/- from the salary of the petitioner towards penal rent is illegal and arbitrary; and consequently direct the respondents not to recover any amounts from the petitioner.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.N.KRISHNA RAO

The Court made the following :

ORDER:

Challenging the action of the respondents in recovering penal rent of Rs.1500/- per month from the salary of the petitioner as illegal and arbitrary, the present writ petition is filed.

The brief facts, which are necessary for disposal of the present writ petition, are as follows:

By transfer orders dated 23-11-2002, the respondents transferred the petitioner from Yellendu area to Shantikhani, Mandamarri area. When the petitioner was working at Yellendu area, he was allotted Qr.No.SD-273 at J.K. Colony. Consequent upon his transfer to Mandamarry, he retained the quarter with him at Yellendu as his children are studying at Yellendu. Thereafter, the impugned proceedings have been passed imposing penal rent of Rs.1500/- per month. Aggrieved by the same, the petitioner filed the present writ petition.

The respondents filed counter affidavit stating that the petitioner was transferred from Yellendu area to Mandamarri area on administrative grounds. Since the petitioner did not vacate the quarter at Yellendu area, the respondents issued proceedings in Ref.No.MMR/SK/W.2/2004/1111, dated 19-4-2004 directing the petitioner to vacate and handover the quarter at Yellendu, failing which penal rent of Rs.1500/- per month will be recovered from his salary. In spite of the said notice, since the petitioner did not turn up to vacate the quarter at Yellendu area, the respondents imposed penal rent of Rs.1500/- per month. Therefore there is no illegality in passing the impugned order. Hence the writ petition may be dismissed.

Once any employee transferred from one place to another place, he cannot have any right to retain the quarter. The respondents rightly directed the petitioner to vacate the quarter. As the petitioner did not vacate the quarter, they imposed penal rent of Rs.1500/- per month. Hence, no right of the petitioner whatsoever has been infringed or violated by the respondents. Since the petitioner has been in possession of the quarter at Yellendu area without any lawful authority, the respondents are entitled to impose penalty for his stay.

Hence the writ petition is totally de void of merits and the same is accordingly dismissed. However, if the petitioner vacates the quarter at Yellendu area, the respondents shall consider his case for allotment of a new quarter at Mandamarri in accordance with the Rules. No costs.

K.C. Bhanu, J.

11th February, 2005

js.

To

1 The General Manager, Singareni Collieries Co. Ltd.,

Mandamarri Area, Mandamarri Adilabad District.

2 Dy. General Manager, the Singareni Collieries Co. Ltd.,
Mandamarri Area, Madamarri, Adilabad District.

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